

Message Text

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ACTION EB-11

INFO OCT-01 CIAE-00 COME-00 DODE-00 NSAE-00 RSC-01 TRSE-00

EUR-25 AEC-11 ISO-00 L-03 DRC-01 EA-11 AID-20 SCI-06

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FM USMISSION OECD PARIS

TO SECSTATE WASH DC 3467

C O N F I D E N T I A L OECD PARIS 19721

EXCON

E.O. 11652: XGDS1

TAGS: ESTC, COCOM, CH, JA

SUBJECT: DISCLOSURE OF DOCUMENTS TO IBM ATTORNEYS

REFS: A. STATE 172723 AND 173570

B. OECD PARIS 19323

1. REITERATING THE EMBARRASSMENT HIS GOVERNMENT WOULD SUFFER THROUGH DISCLOSURE OF CHINA DIFFERENTIAL, JAPANESE DEL HAS AGAIN APPROACHED USDEL ON INSTRUCTIONS FROM TOKYO WITH FOLLOWING ADDITIONAL REQUESTS, WHICH HE ASKED BE CONVEYED TO WASHINGTON:

A. THAT PASSAGES DEALING WITH CHINA DIFFERENTIAL BE DELETED FROM ANY DOCUMENTS HANDED OVER TO IBM ATTORNEYS. JAPANESE HAVE IN MIND ESPECIALLY THOSE INVOLVING IL'S 1565, 1523, 1519, 1501, 1572, 1588, AND 1355.

B. SINCE CLASSIFIED DOCUMENTS ARE NEVER RELEASED TO MEMBERS OF THE PUBLIC IN JAPAN (FUKUDA SAID THIS WAS TRUE EVEN IN LITIGATION INVOLVING STRATEGIC TRADE CONTROLS) THE JAPANESE GOVERNMENT WOULD APPRECIATE IT IF NUMBER OF DOCUMENTS TO BE DISCLOSED COULD BE RESTRICTED AS FAR AS POSSIBLE -- THEY WOULD PREFER THAT DISCLOSURE BE CONFINED TO IL 1565 IF POSSIBLE.

C. BECAUSE OF THE POSSIBILITY OF FUTURE LEAKS,
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JAPANESE GOVERNMENT WOULD APPRECIATE RECEIVING

SUPPLEMENTAL INFORMATION FROM TIME TO TIME ON
DOCUMENTS BEING DISCLOSED.

2. USDEL PROMISED TO CONVEY FOREGOING REQUESTS TO
WASHINGTON. HE SUGGESTED, HOWEVER, THAT IT MIGHT BE
MORE APPROPRIATE FOR JAPANESE EMBASSY THERE TO PRESENT
THEM.

3. COMMENT: IT SEEMS CLEAR THAT JAPANESE GOVERNMENT
IS DEEPLY CONCERNED ABOUT POSSIBILITY OF CHINA
DIFFERENTIAL BECOMING PUBLIC KNOWLEDGE AND POLITICAL
CONSEQUENCES IF IT DID. AT SAME TIME THEY DO NOT
APPEAR FULLY TO COMPREHEND THE FORCE OF A COURT ORDER
IN THE U.S. AND THE DIFFICULTY OF RENDERING ANYTHING
SHORT OF FULL COMPLIANCE. WE TRUST THEIR SENSITIVITY
WILL BE BORNE IN MIND TO FULLEST EXTENT POSSIBLE.
TURNER

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Message Attributes

Automatic Decaptioning: X
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Draft Date: 19 AUG 1974
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Decaption Note:
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Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
Disposition Event:
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Disposition Reason:
Disposition Remarks:
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